

# Memorandum

TO: Members, Clark Fork Basin Water Management Task Force

FROM: Matthew McKinney, Executive Director  
Gerald Mueller, Project Coordinator  
Mark Lambert, Project Associate

SUBJECT: Summary of July 23, 2002 Meeting and Next Steps

DATE: July 25, 2002

## Participants

All members of the Task Force and staff were present, except the following -- Steve Fry, Holly Franz, Bill Kleinhans, Land Lindberg, and Mike Miller.

## Introductions

The participants spent a few minutes interviewing and introducing each other.

As part of the introductions, participants were asked to share some of their values regarding water in the Clark Fork River basin. The group offered the following values and concerns:

- Agricultural use
- Conservation
- Efficient use
- Individual water rights
- Tribal water rights
- Certainty
- Allocation process
- Water quality
- Dewatering
- Irrigation
- Recreation
- Beauty
- Maintaining multiple uses of water
- Preserving rural lifestyles
- Fisheries
- Viability of hydropower
- Tax base
- Floodplains and emergencies
- Protecting natural resources
- Instream flow
- Health of small communities
- Reservoirs for irrigation and other uses
- Amenities

## Composition of the Task Force

Some participants expressed concern that not all viewpoints, interests, or stakeholders were adequately represented on the Task Force. Groups noted as missing were:

- Middle Clark Fork representation (roughly from Milltown Dam to Paradise, Montana)
- Formal representation from Agriculture (although several members of the Task Force indicated that they should be able to informally represent agriculture)
- Municipalities (the participants agreed that representatives from Missoula and Whitefish municipalities should be contacted)
- US Forest Service
- DEQ
- EPA
- Montana Fish, Wildlife, and Parks

The government agencies listed above were later included in a list of groups that could form some kind of “Technical Advisory Committee” to help the Task Force with technical information.

***With the conditions that the above issues be resolved, the participants agreed to the composition of the Task Force.***

The participants also started a list of other processes that they may want to learn more about and/or monitor, including:

- Compact commission with the USFS
- State water and drought plans
- TMDL process
- Sub-basin plans
- Watershed councils

## Review of Ground Rules

The participants reviewed and made several changes to the suggested ground rules. ***Please see the revised set of ground rules.***

The participants discussed the issue of representation and constituencies. Concerns were voiced about whether members should represent themselves or a group of individuals with like interests. Acknowledgement that some members do formally represent groups while others do not or do not have to. Members should be willing to sign their names to an end product without having to represent a larger group. The Task Force will recommend an end product, without the process of formal adoption.

The Task Force proposed that a one-page description of the Clark Fork River Basin Water Management Task Force be created and used to deliver to the media as a miniature press packet.

Questions were brought up concerning the definition and role of the Montana Consensus Council (MCC). The Task Force proposed that a brief biography of the MCC be included in the press statement.

The participants also discussed the possibility of multiple advisory committees, including but not limited to sub-basin, political, and technical committees.

### **Review of Preliminary Budget**

Matthew McKinney and Rep. Verdell Jackson reviewed the existing budget for the project. They emphasized that all of the funds -- \$120,000 -- should be “obligated” by the end of June 2003, or we may run the risk of losing the funds.

***Please see an outline of the preliminary budget, which is part of the ground rules/work plan document.***

The participants generally agreed that existing funds should be adequate, but that we should also consider the possibility of seeking additional funding during the next legislative session. The participants also agreed that we should consider options on how to carry-over the funds from one fiscal year to another, such as transferring them to another RIT-type account.

### **Development of Work Plan**

After reviewing the broad direction provided in statute, the participants began to develop a work plan to help focus their efforts during the next several months. ***Please see the revised work plan for details on the tasks and objectives of upcoming meetings.***

The participants identified a number of issues that need to be addressed at some point in their deliberations:

- Quantification: How much water is there? Who has it?
- Endangered species management
- Impact of land management activities on water quantity and quality
- Planning flow regime and variability
- Physical availability: Amount? Where? When?
- Fishery management
- Hydro system management
- Sub-basin coordination
- Who has the right to use it?
- Regulatory controls
- Federal water rights, tribal water rights, private water rights

As reflected in the revised work plan, the next four meetings will focus on the following topics:

August 26 -- The Physical Availability of Surface and Ground Water

September 30 -- Water Rights -- Who has what type of right to use water in the basin?

October 28 -- Regulatory Controls and their implication to water availability and the security of water rights.

November 25 -- How much is used? By whom? For what?

Each one of these meetings will, in general, be organized around the following questions – What do we know? What don't we know? What do we want to know? How should we go about learning what we want to know?

The participants agreed that the Task Force should examine other water plans as models or examples of what they may produce.

## **Next Steps**

The staff have revised documents, prepared some new documents, and will prepare for the meeting in August.

Prior to the next meeting, the staff will:

- ❑ Contact potential representatives for municipalities and the middle section of the Clark Fork River.
- ❑ Develop an agenda on the physical availability of water and contact appropriate people for information and presentations.
- ❑ Prepare and distribute materials to members of the Task Force prior to the next meeting.

The following documents are enclosed with this memorandum:

1. Revised Suggested Ground Rules and Work Plan
2. Updated contact information for members of the Task Force.
3. Issue Brief # 1 – explaining the origin and purpose of the Task Force.
4. Montana Consensus Council Code of Professional Conduct
5. *Water Management in the Clark Fork River Basin: A Situation Assessment in Response to HB 397 (February 2002).*
6. Letter from AVISTA to the Montana Consensus Council (March 29, 2002)

Other information that will be provided to members of the Task Force in the weeks to come include:

- ❑ The short publication on “Water Law in Montana.”
- ❑ Copies of other water management plans.